

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

KIMBERLY LOPEZ, as guardian, next friend and parent of GILBERTO LOPEZ, a minor, Plaintiff, )  
UNITED STATES OF AMERICA, )  
Plaintiff-Intervenor, )  
v. ) Case No. 3:07-0799  
METROPOLITAN GOVERNMENT OF ) Judge Echols  
NASHVILLE AND DAVIDSON )  
COUNTY, and GENESIS LEARNING )  
CENTERS, )  
Defendants. )

**ORDER**

For the reasons set forth in the accompanying Memorandum, the Court hereby enters the following rulings:

- (1) The Motion for Summary Judgment filed by Plaintiff-Intervenor United States of America (Docket Entry No. 164) is hereby DENIED;
- (2) The Motion for Summary Judgment filed by Defendant Genesis Learning Centers (Docket Entry No. 169) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED with respect to Plaintiff's claims against Genesis Learning Centers under 42 U.S.C. § 1983, the Americans With Disabilities Act, and the Rehabilitation Act, but DENIED with respect to Plaintiff's negligence and Title IX claims;
- (3) The Motions for Summary Judgment filed by Metropolitan Government of Nashville and Davidson County (Docket Entry Nos. 174 and 178) are hereby GRANTED IN PART and DENIED IN PART. The Motions for Summary Judgment are GRANTED with respect to Plaintiff's

retaliation, Equal Protection, failure to train, Americans With Disabilities Act, and Rehabilitation Act claims. The Motion is DENIED with respect to Plaintiff's and Plaintiff-Intervenor's Title IX claims, Plaintiff's negligence claim under the Tennessee Governmental Tort Liability Act, and Plaintiff's state-created danger Due Process claim under Section 1983;

(4) Plaintiff Kimberly Lopez's Motion for Summary Judgment (Docket Entry No. 183) is hereby DENIED;

(5) The Motions for Oral Argument on the pending Motions for Summary Judgment (Docket Entry Nos. 218 and 225) are hereby DENIED;

(6) The Motions for Leave to File Excess Pages (Docket Entry Nos. 204 and 246) are hereby GRANTED;

(7) The Motions to Strike (Docket Entry Nos. 257, 259 and 266) are hereby DENIED;

(8) The Motions for Leave to File Reply Memorandums (Docket Entry Nos. 273 and 276) are hereby GRANTED;

(9) The Motion for Review (Docket Entry No. 279) filed by Plaintiff-Intervenor is hereby DENIED; and

(10) The Motion to Remand to State Court Plaintiff's Claims Under the Tennessee Governmental Tort Liability Act (Docket Entry No. 280) is hereby DENIED.

It is SO ORDERED.



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ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE